

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claims 28 to 43 and the addition of new claim 44, claims 21 to 27 and 44 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants notes with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

### **II. Rejection of Claims 21, 22, 24, 25, and 27 Under 35 U.S.C. § 103(a)**

Claims 21, 22, 24, 25, and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,003,305 ("Martin et al."), U.S. Patent No. 5,932,885 ("DeBellis et al."), and U.S. Patent No. 5,433,174 ("Brady et al."). It is respectfully submitted that the combination of Martin et al., DeBellis et al., and Brady et al. does not render unpatentable the present claims for at least the following reasons.

Claim 21 has been amended herein without prejudice to recite that the method for operating an afterburner device for the afterburner device having a nozzle for metering in at least one of fuel, residual gases, and air, into a combustion chamber that is filled at least in part with foamed ceramics, and having a discharge opening for discharging combustion gases, includes, *inter alia*, regulating a quantity of the recirculated combustion gases as a function of the recorded speed of combustion. Support for this amendment may be found, for example, on page 11, lines 11 to 14, of the Specification. By providing for regulating a quantity of the recirculated combustion gases as a function of the recorded speed of combustion, it is possible, for example, in the cold start phase, to recirculate the largest measure of heat quantity without generating unfavorable temperatures for the afterburner device or its operation, in response to increasing combustion speed.

Martin et al. does not disclose, or even suggest, *regulating a quantity of recirculated combustion gases as a function of a recorded speed of combustion*.

Martin et al. describe a method of reducing internal combustion engine emissions by use of a flameless thermal oxidizer. Martin et al. makes no mention whatsoever of **recirculating** combustion gases, let alone **regulating a quantity of recirculated combustion gases as a function of a recorded speed of combustion**.

DeBellis et al. does not cure this deficiency. DeBellis et al. describes a thermophotovoltaic electric generator, including, a combustion chamber 104, a recuperator section 121, and a wall 142, where combustion gases burned in combustion chamber 104 pass through recuperator section 121 and transfer heat across wall 142 to vaporize incoming liquid fuel stream 12. Nowhere does DeBellis et al. mention **regulating a quantity of recirculated combustion gases as a function of a recorded speed of combustion**.

Brady et al. also does not cure this deficiency. Brady et al. describes a method for combustion in compact boilers and liquid phase heaters employing flue gas recirculation (FGR). While Brady et al. may mention controlling the concentration of recirculated NOX entering the boiler combustor via the blower inlet and exit, nowhere does Brady et al. disclose **regulating a quantity of recirculated combustion gases as a function of a recorded speed of combustion**.

As such, it is respectfully submitted that the combination of Martin et al., DeBellis et al., and Brady et al. does not render unpatentable claim 21, or claims 22, 24, 25, and 27, which depend from claim 21.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

### **III. Rejection of Claim 23 Under 35 U.S.C. § 103(a)**

Claim 23 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Martin et al., DeBellis et al., Brady et al., and U.S. Patent No. 6,422,745 ("Glasheen et al."). It is respectfully submitted that the combination of Martin et al., DeBellis et al., Brady et al., and Glasheen et al. does not render unpatentable claim 23 for at least the following reasons.

Claim 23 depends from claim 21 and therefore includes all of the features included in claim 21. As more fully set forth above, the combination of Martin et al., DeBellis et al., and Brady et al. does not disclose, or even suggest, all of the features included in claim 21. Glasheen et al. is not relied upon for disclosing or suggesting the features of claim 21 not disclosed or suggested by the combination

of Martin et al., DeBellis et al., and Brady et al. Indeed, it is respectfully submitted that Glasheen et al. does not disclose, or even suggest, the features included in claim 21 not disclosed or suggested by Martin et al., DeBellis et al., and Brady et al. As such, it is respectfully submitted that the combination of Martin et al., DeBellis et al., Brady et al., and Glasheen et al. does not render unpatentable claim 23, which depends from claim 21.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **IV. Rejection of Claim 26 Under 35 U.S.C. § 103(a)**

Claim 26 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Martin et al., DeBellis et al., Brady et al., and U.S. Patent No. 3,898,317 ("Hemsath et al."). It is respectfully submitted that the combination of Martin et al., DeBellis et al., Brady et al., and Hemsath et al. does not render unpatentable claim 26 for at least the following reasons.

Claim 26 depends from claim 21 and therefore includes all of the features included in claim 21. As more fully set forth above, the combination of Martin et al., DeBellis et al., and Brady et al. does not disclose, or even suggest, all of the features included in claim 21. Hemsath et al. is not relied upon for disclosing or suggesting the features of claim 21 not disclosed or suggested by the combination of Martin et al., DeBellis et al., and Brady et al. Indeed, it is respectfully submitted that Hemsath et al. does not disclose, or even suggest, the features included in claim 21 not disclosed or suggested by Martin et al., DeBellis et al., and Brady et al. As such, it is respectfully submitted that the combination of Martin et al., DeBellis et al., Brady et al., and Hemsath et al. does not render unpatentable claim 26, which depends from claim 21.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **V. New Claim 44**

New claim 44 has been added herein. It is respectfully submitted that new claim 44 does not add any new matter and is fully supported by the present application, including the Specification. Since claim 44 depends from claim 21, it is

respectfully submitted that claim 44 is patentable over the references relied upon for at least the reasons set forth above.

**VI. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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